

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CARLOS VALDEZ, an individual,

No. C 13-0412 LB

Plaintiff,

v.

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**HOL'N JAM ENTERPRISES, INC., a
California corporation; CRAIG PEARCE, an
individual; and DOES 1 through 20 inclusive,Defendants.
_____ /

Plaintiff Carlos Valdez filed a complaint against defendants Hol'N Jam Enterprises, et al., on January 29, 2013. Complaint, ECF No. 1. Under Federal Rule of Civil Procedure 4(m), a plaintiff normally has 120 days from the filing of the complaint to serve the complaint and summons on a defendant. Fed. R. Civ. P. 4(m). This means that in this case Mr. Valdez had until May 29, 2013, to effect service. Fed. R. Civ. P. 4(m), 6(a)(1)(C). The court ordered Mr. Valdez to file proof of service by July 5, 2013 (or show good cause by the date for the failure to serve) to illuminate the procedural posture before the July 11, 2013 case management conference. Order, ECF No. 9. Mr. Valdez did not respond by the July 5 deadline. *See generally* Docket.

Instead, on July 8, 2013, Valdez filed documents that appear to indicate he served process on Defendants in March 2013. *See* Acknowledgments of Service, ECF Nos. 10-12. Later on July 8 (and well past the July 5 deadline) Valdez filed a Case Management Statement. ECF No. 13. In the statement, Valdez's counsel indicates that he has been in settlement talks with Defendants, who

1 contend that they have not been properly served, and that Defendants may file a motion to quash
2 service. *See* ECF No. 13.

3 Under the circumstances, the court **CONTINUES** the case management conference previously
4 scheduled for July 11, 2013 to August 8, 2013. Valdez and any parties that have been served are
5 **ORDERED** to file a joint case management conference statement that comports with the local rules
6 and the undersigned's standing order no later than August 1, 2013.

7 **IT IS SO ORDERED.**

8 Dated: July 9, 2013



9
10 LAUREL BEELER
United States Magistrate Judge